

**Pompton Lakes Environmental Community Advisory Group (CAG)**  
**December 7, 2011 Meeting Summary**  
**7:00 PM – 9:30 PM**  
**Pompton Lakes High School Media Room**  
**44 Lakeside Drive, Pompton Lakes, New Jersey**

**Members and Alternates Present:** Liz Kachur (In-Plume Resident), Steve Grayberg (Pompton Lakes Restoration Committee), Abby Novak (Pompton Lakes Environmental Committee), John Soojian (Acid Brook Vicinity), Bill Pendexter (Hydrologist, Non-Plume Resident), Ella Filippone (Passaic River Coalition), Michele Belfiore (Pompton Lakes Residents for Environmental Integrity)

**Ex Officio Members Present:**

Pompton Lakes Borough Council: Councilman Mike Serra and Councilwoman Terri Reicher  
US Environmental Protection Agency (EPA): Adolph Everett, Clifford Ng, Ariel Iglesias  
Barbara Finazzo, David Kluesner  
NJ Department of Environmental Protection (NJDEP): Steve Maybury, Mindy Mumford

**Public Present:** Michael Higgins, Roland Reynolds, Jean Reynolds, Donald Soutar, Jacky Grindrod, Jefferson LaSala, Ed Merrill, Joe Filippone

**I. Welcome and Administrative Updates**

Dave Kluesner called the meeting to order. The approval of the summary of the November 2<sup>nd</sup> meeting was postponed due to submittal of the draft summary to the CAG members only hours before the meeting. Agreement was reached that members would provide comments to Dave Kluesner via email; Dave would provide a revised version to the CAG members for an email approval.

**II. Ex Officio Updates**

Pompton Lakes Borough Council Update

Councilman Serra reported that the next Borough Council meeting was scheduled for Wednesday, December 14<sup>th</sup>. At the last Council meeting, a request was made to create a local committee to address the future use of the DuPont Works site. Councilman Serra reported that the Council was discussing this recommendation but no decisions had been made about this so far. The Council has expressed the need to clean to the best standards possible.

NJDEP/EPA Sampling Oversight Update

Steve Maybury reported that NJDEP collected split samples with DuPont in mid-November at on-site and off-site ground water monitoring wells. Results are expected in 60-90 days. ADDITIONAL INFORMATION: EPA also conducted split sampling of the influent and effluent ground water samples from the pump and treat system located on the DuPont site on December 7<sup>th</sup>. Results are expected in 60 days.

### Ground Water Contaminants of Concern Additional Follow-Up

Steve Maybury reported that NJDEP and EPA would be meeting with DuPont on December 8<sup>th</sup> to review additional data concerning the TASC expert's (Hagai Nassau with Skeo Solutions) recommendations for the 10 DuPont ground water contaminants of concern. NJDEP expects to conclude the review by the February 2012 CAG meeting. As a result of the TASC review findings and recommendations, NJDEP reported that DuPont will do additional sampling for perchlorate.

### Vapor Mitigation System Installations Update

Adolph Everett provided an update on the status of the installation of vapor mitigation systems. To date, 252 systems have been installed; 234 by DuPont's contractor and 18 by third party installation contractors. There are 54 more systems in the process of being installed; 8 by DuPont, and 46 by third-party installation contractors. 33 designs that were submitted by third-party installation contractors have been approved.

Extensive discussion pursued concerning the length of time it takes to approve a design submitted by a third party installer. Barbara Finazzo explained that the process has been cumbersome and that EPA believes that the obstacles have now been resolved and the process streamlined.

There were questions about the inspections of systems currently being installed by DuPont's contractor (O'Brien and Gere) and the third party installers. Currently only the third party systems are being inspected during system installation. Steve Maybury and Mindy Mumford stated that DuPont follows the state's Vapor Intrusion Guidelines and submits any deviations to the state when necessary for approval. There was also discussion about the need to inspect systems that were previously installed by DuPont's contractor. EPA currently has a program that covers these types of inspections; a homeowner would need to request the inspection. To date, EPA has notified residents of this inspection program and, as a result, 44 O'Brien & Gere systems have been inspected by EPA. Michele Belfiore stated that another reminder should be sent out to all homeowners that fall into this category because people may not remember this. John Soojian stated all residents with a vapor mitigation system should be offered an inspection.

There was also discussion about warranty issues and payment of electricity costs. It was agreed this would be a future CAG meeting agenda and a fact sheet with all this information should be developed.

### EPA Canvassing of Homes in Plume Area/Community Outreach Committee Update

On December 5, two EPA teams canvassed homes in the plume area that do not currently have vapor mitigation systems or are not on the list of systems to be installed. Information on testing and system installation options available to residents was provided to each home visited. Many home owners were grateful for the reminder and expressed interest in moving forward with getting a system installed. Many were fine with not having a system because their testing results showed no indoor concerns. EPA encouraged these owners to reconsider since the test results are just a snapshot in time. EPA will provide a summary to John Soojian, Chairman of the Community Outreach Work Group in order for the Outreach Work Group to go back this winter to the homes where the residents were not home.

### Ground Water Bioremediation Pilot Follow-Up

Steve Maybury reported that the agencies met with DuPont on December 6<sup>th</sup> to discuss the results of the hydraulic flow study. The study generated good information about the aquifer characteristics but the agencies did not agree with DuPont's conclusions. EPA's ground water experts from Ada, OK instructed DuPont to refocus their approach and to move forward with the rest of the study. DuPont will be submitting an Interim Pilot Study Implementation Plan by February 2012.

The agencies also discussed enhancing the current pump and treat process on-site that would increase the flushing rate on the western side of the plume. This should increase the flow of ground water off-site.

Liz Kachur asked that if the pilot did not work would DuPont be required to continue looking for new technologies to resolve the issue. Steve Maybury said DuPont would not be allowed to just settle on the flushing option. Several CAG members want some binding mechanism in place to force DuPont to do an annual review of new technologies (e.g., incorporate into permit modification).

### Health and Senior Services Update

Councilman Serra reported that Christa Fontecchio from NJDHSS sent out an electronic update on the status of the Community Health Profile and the Household Health Survey since the last Health CAG meeting. All the data for the Community Health Profile was received and analyzed. The report is currently being completed and will then go through internal management review (both with ATSDR and NJDHSS). Once this is completed, a Health CAG meeting will be scheduled. There have been some unexpected delays and they are trying their best to complete the report. The Household Health Survey protocol has gone through internal management review, and to ensure maximum participation, postcards will be mailed out early in the new year.

### **III. Financing Homes in the Plume**

Michele Belfiore and John Soojian presented the issue that banks are not approving loans (both mortgage and refinancing) for homes in the plume. Councilman Serra stated that Mayor Cole and the town attorney had met in particular with management representatives of Valley National Bank. After a vapor mitigation system is installed and post-mitigation sampling is successfully completed, NJDEP issues the homeowner a Remedial Measures Report and a letter that states the exposure route for subslab gases has been eliminated. Valley National Bank will not accept this letter and has been known to refuse to refinance home loans in the plume area. Residents who cannot sell their houses want the ability to at least be able to refinance to lower interest rates.

The Borough is filing an official complaint with the state's Banking Commission. Councilman Serra was looking for support from NJDEP and/or EPA on this issue. Both agreed to be available to support the borough's position and discuss the technical merits with Valley National and other banks, if necessary. Neither agency has any legal ability to influence a bank's decision. NJDEP did agree to raise this to their Commissioner. Jacky Grindrod also agreed to

bring this to Congressman Pascrell's attention; she stated that he would be happy to assist in any way possible.

#### **IV. Soil Remediation Regulatory Process**

Steve Maybury provided an overview of the state's prescriptive laws on how site remediation has to be done. His presentation has been posted on the EPA Pompton Lakes CAG website. There are three levels of clean-up (residential; non-residential; and engineering institutional controls with deed restrictions). The risk for all three must be determined to be acceptable. The department cannot disapprove a remedy if it meets the standards. He discussed that under the right conditions, capping is an acceptable remedy and is used extensively in communities. He also stated that a variety of remedial technologies can be used at a complex site, like Pompton Lakes, that result in remediation at different levels based on the future intended use of each area. Zoning is not a criterion in the statute. The state regulations have presumptive guidance for several scenarios that can be used right off the shelf.

#### **V. Administrative Issues**

It was agreed that all administrative items and CAG membership on the agenda would be discussed at the January 2012 CAG meeting. Discussion on the venue for the meetings for next year occurred; John Soojian has reserved the Borough's Civic Center for 2012 meetings; Mr. LaSala stated that the High School's Media Room was a better choice which was agreeable to the CAG. Mr. Soojian will look into reserving the High School Media Room rather than the Civic Center. He will look into if there is any cost associated with doing so. It was pointed out that the High School Media Room is not available for use when school is closed for the summer.

#### **VI. CAG Work Group Updates**

##### Community Outreach Work Group

John Soojian reported that the Outreach Work Group had not met since the last meeting. Discussion followed on whether the CAG needed to continue their own canvassing effort. Dave Kluesner stressed the importance of having outreach performed during the winter months in order for residents to have enough time to sign up and, if they want one, get an indoor air sample collected before April, the end of the heating season. It was agreed that the Outreach Committee would go to the homes where there was no one home during the recent EPA canvassing. EPA will provide the list to John Soojian.

#### **VII. Action Items**

1. EPA to send letters to home/building owners who had systems installed by DuPont's contractor reminding them they have the option to have their systems inspected by EPA's contractor (Langan Engineering).
2. EPA will be revising its oversight program for future system installations conducted by DuPont's contractor. Currently only the third party system installations have oversight by EPA.

3. EPA/NJDEP will develop a fact sheet that explains the vapor mitigation installation process including the inspection program and warranties.
4. EPA (Dave Kluesner) will send John Soojian a summary of the residential canvassing. The CAG agreed to go to visit homes that where residents were not present during EPA's canvassing.
5. The CAG will address membership at the January 2012 CAG meeting.
6. John Soojian will contact the Borough to determine the availability of the High School Media Room for future CAG meetings and inquire about any costs.
7. EPA to find out from DuPont if the bathymetric survey of the lake was conducted. Mr. LaSala requested this information.

### **VIII. Topics for Future CAG Meetings**

1. Vapor mitigation system maintenance and warranty issues
2. Financing/refinancing of homes & appraiser education
3. Future use of the site and remediation process
4. Ground water remediation: intermediate vs. shallow aquifers and "flushing" vs. treatment (chemical oxidation, bioremediation, etc.)
5. Technical assistance reviews under the NJDEP Technical Assistance Grant (TAG)